

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 18, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Division Chief: Carol L. Kern

PK/JL:lw

ZAC-101/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

May 23, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilon, DEPRM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #413 - Faber  
2420 Holly Neck Road  
Zoning Advisory Committee Meeting of May 9, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

Ground Water Management

We recommend DISAPPROVAL OF PETITION if the trailers are used for dwellings, and therefore would recommend that the trailers be removed from the property.

JLP:GS:TE:sp  
FABER/DEPRM/TXTSPB

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 403, 404, 405, 407, 408, 409, 410, 412, 413, AND 416.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink  
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING \*  
NEC Holly Neck Road and  
Frankwitz Road  
(2420 Holly Neck Road), 15th  
Election Dist., 5th  
Councilmanic Dist. \*  
WILLIAM J. FABER  
Petitioners \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-426-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

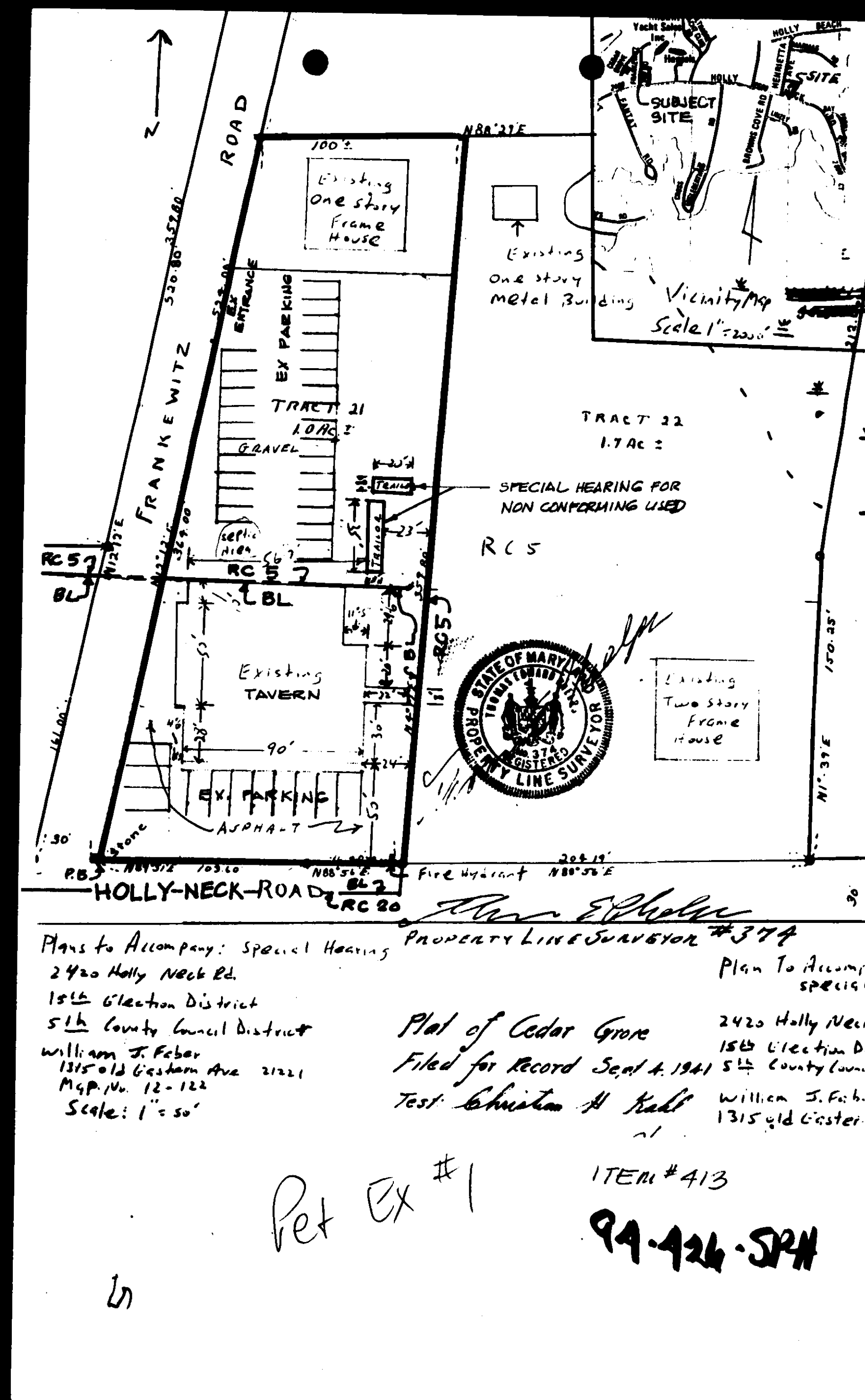
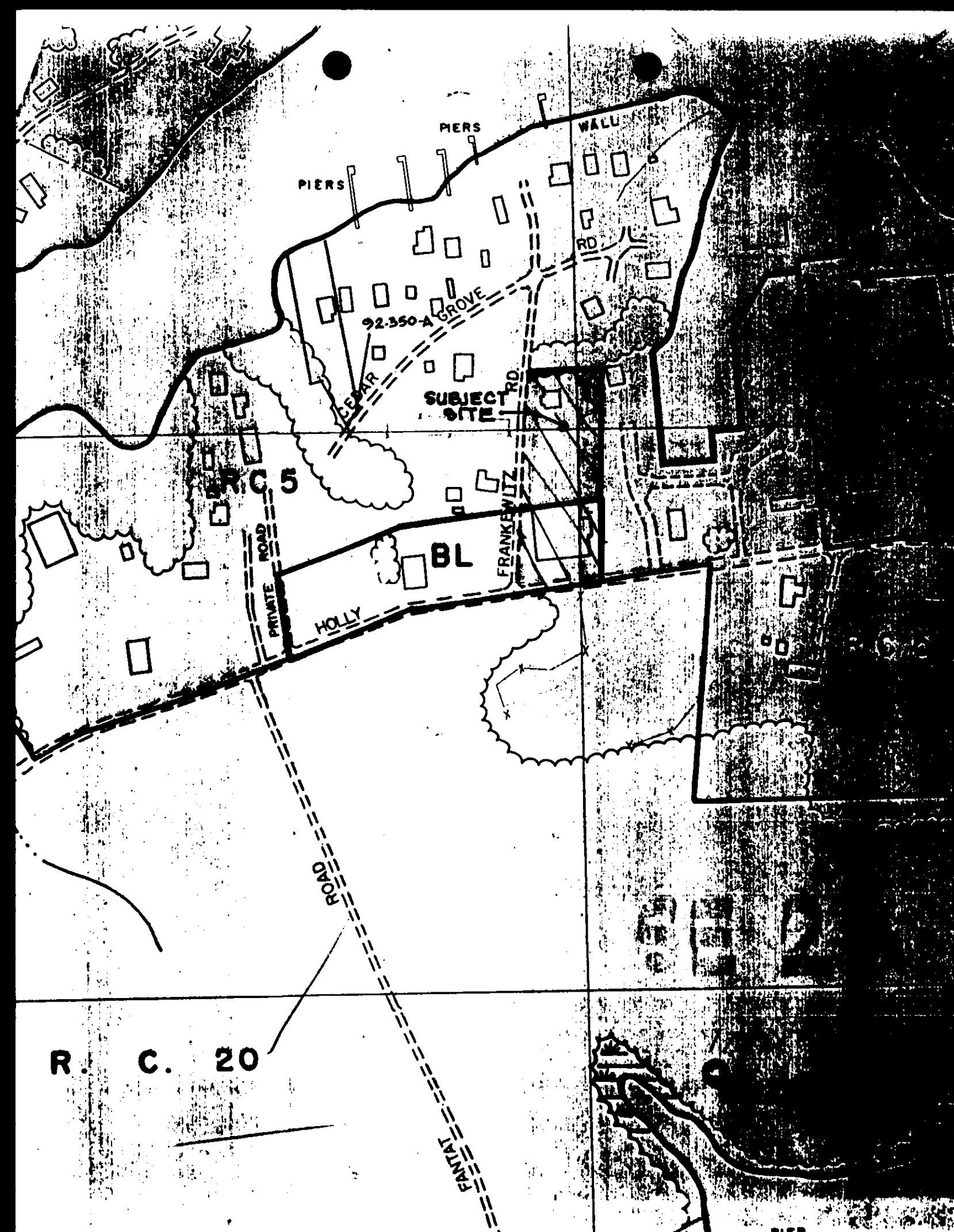
I HEREBY CERTIFY that on this 17 day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to William J. Faber, 1315 Old Eastern Avenue, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

94 426 SPH  
Mobile Flynn - 574-2869  
ITEM #413

DATE 04/28/94 STANDARD ASSESSMENT INQUIRY (1) AS1001B  
TIME 15:05:53  
PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL FM DATE  
15 06 000450 15 3-1 06-00 N NO 02/03/94  
FABER WILLIAM J. DESC-1.. IMPS  
FABER LULA M. DESC-2.. CEDAR GROVE  
C/O YACHT CLUB INN PREMISE. 02420 HOLLY NECK MS  
HOLLY NECK RD 00000-0000  
BALTIMORE MD 21221-0000 FORMER OWNER

FCV		PHASED IN		PRIOR	
LAND	PROP/USE	CURR	FLY	ASSESS	ASSESS
IMPV	120,000	120,000	249,794	99,910	99,019
TOTL	247,540	254,310	0	0	0
PREF	0	0	0	0	0
CURT	0	0	0	0	0
DATE	10/90	10/93			
TAXABLE BASIS		FM DATE			
94/95 ASSESS	99,910	08/25/93			
95/96 ASSESS	99,010	08/25/93			
92/93 ASSESS	92,910	00/00/00			
ENTER-INQUIRY2		PA1-PRINT		PF4-MENU PF5-QUIT	



94-426 SPH  
receipt

**Zoning Administration & Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 4/28/94  
# 200 Holly Neck Rd  
# 1315 Old Eastern Ave  
# 1315 Old Eastern Ave  
# 1315 Old Eastern Ave

Item No. 413  
R.T.

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-426 SPH

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 413  
Petitioner: William J. Faber  
Location: 2420 Holly Neck Rd 21204  
NAME: William J. Faber  
ADDRESS: 1315 Old Eastern Ave  
Baltimore, Md 21204  
\* PHONE NUMBER: 687-6046

**MUST BE SUPPLIED**

94-426 SPH

Item Number: 413  
Planner: RT  
Date Filed: 4-28-94

**PETITION PROCESSING FLAG**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

☒ Need an attorney

The following information is missing:

- ☐ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plats (need 12, only 1 submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☐ Councilmanic district
- ☐ BC2R section information and/or wording
- ☐ Hardship/practical difficulty information
- ☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ☒ OWNER'S ZIP CODE

PET-FLAG (TEXTSPH)  
11/17/93

94-426 SPH

**TO: PUPPENT PUBLISHING COMPANY**  
May 12, 1994 Issue - Jeffersonian

Please forward billing to:  
William J. Faber  
1315 Old Eastern Avenue  
Baltimore, Maryland 21221  
687-6046

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-426-SPH (Item 413)  
2420 Holly Neck Road  
NEC Holly Neck Road and Frankwitz Road  
15th Election District - 5th Councilmanic  
Petitioner(s): William J. Faber  
HEARING: FRIDAY, JUNE 10, 1994 at 11:00 a.m. Rm. 106 County Office Bldg.

Special Hearing to approve said trailers as a non-conforming use: (1) permanently; (2) until such time as property is rezoned; or (3) until trailer is no longer usable with stipulation trailer will not be replaced.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-426 SPH

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

MAY 5, 1994

**NOTICE OF HEARING**

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*Arnold Jablon*  
Arnold Jablon  
Director

cc: William J. Faber

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

94-426 SPH

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 31, 1994

Mr. William J. Faber  
2420 Holly Neck Road  
Baltimore, Maryland 21221

RE: Case No. 94-426-SPH, Item No. 413  
Petitioner: William J. Faber  
Petition for Special Hearing

Dear Mr. Faber:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND**  
**INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 17, 1994  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 16, 1994  
Item No. 413

The Developers Engineering Section has reviewed the subject zoning item. We recommend that Landscape Manual compliance be required where trailers are visible from the public street and adjacent residential zone or use.

RWB:ew

94-426 SPH

**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 413 (KT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID N. KAHN, ACTING CHIEF  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



IN RE: PETITION FOR SPECIAL HEARING  
NE/CORNER HOLLY NECK ROAD AND  
FRANKOWITZ ROAD  
(2420 HOLLY NECK ROAD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT  
WILLIAM J. FABER  
PETITIONER

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-426-SPH  
\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2420 Holly Neck Road, located in the Cedar Grove area near Middle River in southeastern Baltimore County. The Petition was filed by the owner of the property, William J. Faber. The Petitioner seeks a special hearing to approve the nonconforming use of two existing trailers on the subject property. The property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William J. Faber, properly owner, and Michael Flynn. There were no Protestants present.

Testimony and evidence offered by the Petitioner revealed that the subject property consists of 1.0 acres, split zoned B.L. and R.C. 5, and is located within the Chesapeake Bay Critical Areas near Middle River. The property is improved with a tavern, known as Faber's Yacht Club on the B.L. zoned portion of the site, and an accessory parking lot, the two trailers which are the subject of this special hearing request, and a one-story frame dwelling on the R.C. 5 zoned portion of the site. Mr. Faber testified that he purchased the subject property approximately 46 years ago at which time he placed the trailers thereon for storage purposes. He testified that the trailers have always been used for storage and have never

been used for residential purposes. Mr. Faber stated that the two trailers have existed on the site in the locations shown on Petitioner's Exhibit 1 since he placed them on the property and that there have never been any complaints as to their existence thereon.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to its compliance with Critical Areas legislation. By comments dated May 23, 1994, DEPRM advised this office that the Petitioner must submit a findings plan to that agency for review and approval prior to any development. It is to be noted that there is no development proposed for this site, merely approval of the nonconforming use of two trailers which have existed on the property since approximately 1948 and have been used solely for storage. However, as a condition of this approval, a restriction shall be attached to this Order limiting the use of the two trailers for storage purposes, only, and their use for residential purposes shall be strictly prohibited.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original

use, the current use of the property shall not be considered nonconforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

After due consideration of the testimony and evidence presented, it is clear that the two trailers have existed on the property in the location shown on Petitioner's Exhibit 1 since prior to 1955, the year in which the storage of said trailers became illegal. These trailers have existed on the site each and every year thereafter, up to the present time, and are therefore permitted as a nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of June, 1994 that the Petition for Special Hearing to approve the nonconforming use of two existing trailers on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The use of the two trailers shall be for storage, only, and any use thereof for residential purposes is strictly prohibited.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING  
Date 6/28/94  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 28, 1994

(410) 887-4386

Mr. William J. Faber  
1315 Old Eastern Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING  
NE/CORNER HOLLY NECK ROAD AND  
FRANKOWITZ ROAD  
(2420 HOLLY NECK ROAD)  
15TH ELECTION DISTRICT - 5TH COUNCILMANIC DISTRICT  
WILLIAM J. FABER - PETITIONER  
Case No. 94-426-SPH

Dear Mr. Faber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM: People's Counsel

File



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2420 Holly Neck Rd.

which is presently zoned B.L. - R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Said trailers as a non-conforming use:

1. permanently
2. until such time as property is rezoned
3. until trailer is no longer usable with stipulation trailer will not be replaced.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

I, or we, solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

William J. Faber

(Type or Print Name)

William J. Faber

Signature

Address

City State Zipcode

2420 Holly Neck Rd. 680 9885

Address

Baltimore MD 21221

City State Zipcode

Name Address and phone number of representative to be contacted

William J. Faber

Address

1315 Old Eastern Ave. 687-6006

City State Zipcode

Baltimore MD 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: Next Two Months

ALL OTHER

REVIEWED BY: R.T. DATE: 4-28-94

ITEM # 413

ORDER RECEIVED FOR FILING  
Date 6/28/94  
By [Signature]

Zoning Commissioner

Jim:

Applicants insist on filing this petition (SPH) against my advice for the following reasons:

- (a) Needs a lawyer to represent them
- (b) Site presentation - "poor" but in compliance with the site plan check list.
- (c) See Citation # RT-46

Page 1

THOMAS E. PHELPS & ASSOCIATES, INC.

LAND SURVEYING

945 Barton Avenue  
Baltimore, Maryland 21211-5202  
(301) 574-6744

LAND PLANNING

Description of the property of

William J. Faber  
2420 Holly Neck Rd.  
Baltimore County, Maryland

Beginning for a point, said point being the northeasterly corner of Frankowitz Road, a 30Foot Right of Way, and Holly Neck Road, also a 30Foot Right of Way, said point also being the southwesterly corner of Tract 21 of Cedar Grove as recorded among the plat records of Baltimore County in Plat Book 12, at Plat 122, thence departing said point and running with the easterly Right of Way of Frankowitz Road as follows, viz:  
1) North 12° 12' East 364.00 feet to a point, thence departing said Right of Way and running for the two following courses and distances, viz:  
2) North 88° 27' East 100.00 feet, more or less, and  
3) South 04° 17' West 359.80 feet to a point in the afore mentioned northerly Right of Way of Holly Neck Road the following viz:  
4) South 88° 56' West 46.40 feet, and  
5) South 89° 51' West 103.60 feet to the point and place of beginning.

Containing 1.0± acres of land

Being the same property acquired by William J. Faber by deed and shown as Tract 21 on a plat of subdivision of Cedar Grove and recorded in the Plat records of Baltimore County at Plat Book 12, and Plat 122.



ITEM # 413

REGISTERED PROPERTY LINE SURVEYOR MD. #171

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

94-426-SPH

District 15th Date of Posting 5/21/94

Posted for Special Hearing

Petitioner: Wm. J. Faber

Location of property: 2420 Holly Neck Rd., NE/COR. Frankowitz Rd.

Location of Sign: Along road way on property being rezoned

Remarks:

Posted by [Signature] Date of return: 7/19/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,  
*A. Hemmison*  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 18, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

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Prepared by: Jeffrey W. Long  
Division Chief: Carol L. Kern

PK/JL:lw

ZAC-101/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

May 23, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilon, DEPRM  
Development Coordinator, DEPRM

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2420 Holly Neck Road  
Zoning Advisory Committee Meeting of May 9, 1994

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JLP:GS:TE:sp  
FABER/DEPRM/TXTSPB

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 403, 404, 405, 407, 408, 409, 410, 412, 413, AND 416.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

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Frankwitz Road  
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Councilmanic Dist. \*  
WILLIAM J. FABER  
Petitioners \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-426-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

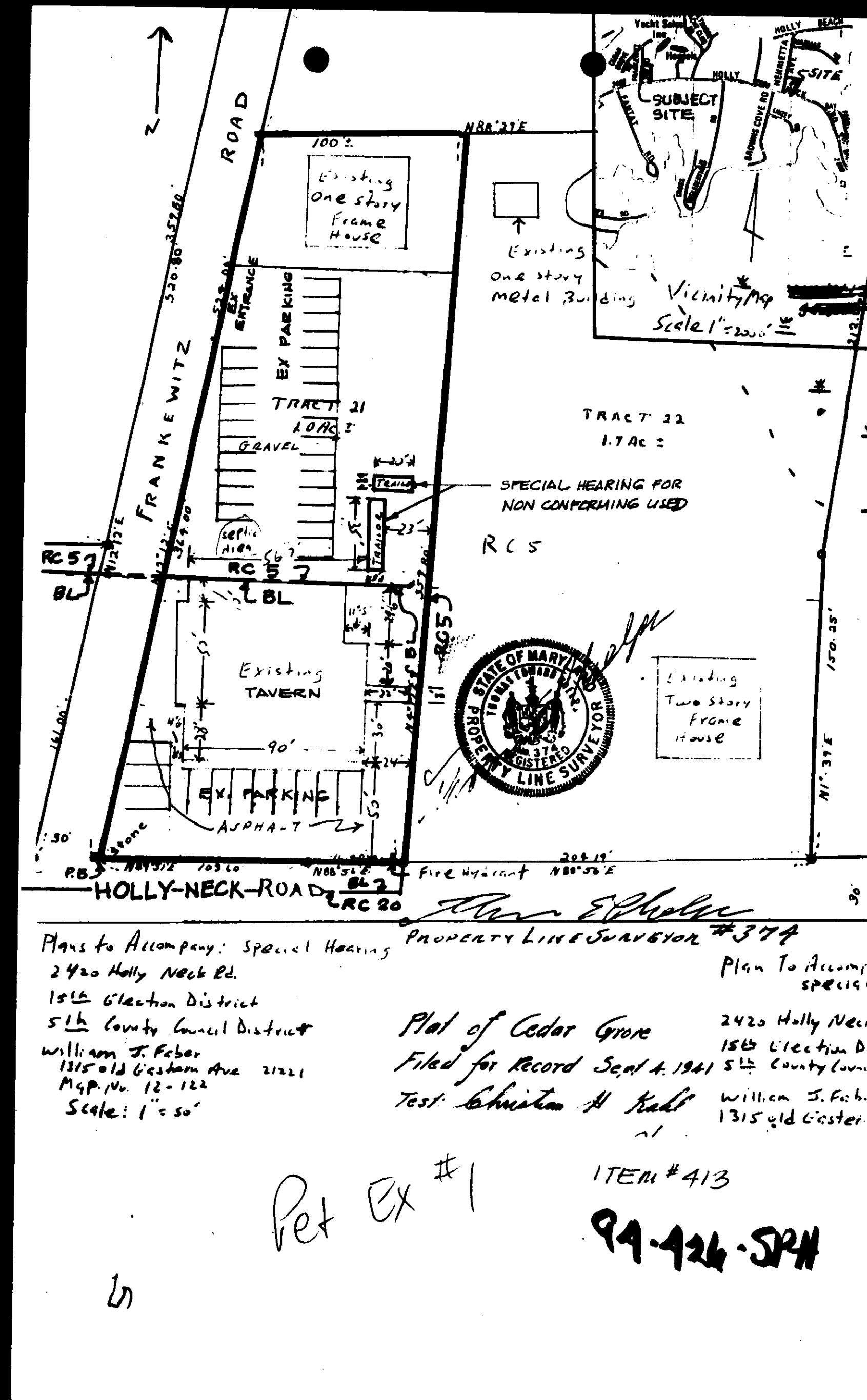
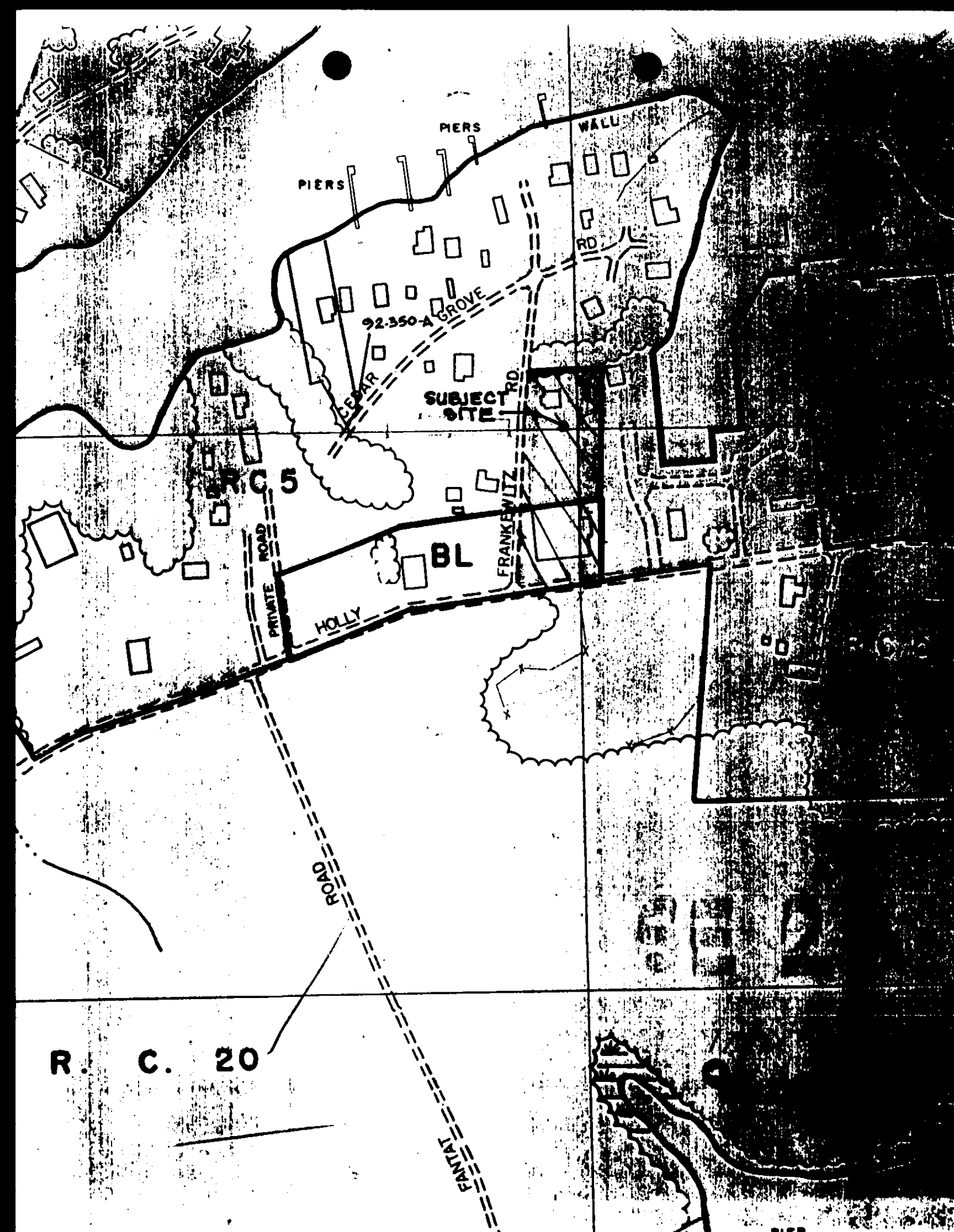
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to William J. Faber, 1315 Old Eastern Avenue, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

DATE 04/28/94 STANDARD ASSESSMENT INQUIRY (1) AS1001B  
TIME 15:05:53  
PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL FM DATE  
15 06 000450 15 3-1 06-00 N NO 02/03/94  
FABER WILLIAM J. DESC-1.. IMPS  
FABER LULA M. DESC-2.. CEDAR GROVE  
C/O YACHT CLUB INN PREMISE. 02420 HOLLY NECK MS  
HOLLY NECK RD 00000-0000  
BALTIMORE MD 21221-0000 FORMER OWNER

FCV		PHASED IN		PRIOR	
LAND	PROP/USE	CURR	FLY	ASSESS	ASSESS
IMPV	120,000	120,000	TOTAL	249,794	99,910
TOTL	247,540	254,310	PREF	0	0
PREF	0	0	CURT	0	0
CURT	0	0	EXEMPT	0	0
DATE	10/90	10/93			
TAXABLE BASIS		FM DATE			
94/95 ASSESS	99,910	08/25/93			
95/96 ASSESS	99,010	08/25/93			
92/93 ASSESS	92,910	00/00/00			
ENTER INQUIRY2		PA1 PRINT		PF4 MENU PF5 QUIT	





94-426-SPH receipt

Zoning Administration & Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 4/28/94  
with Mr. Faber  
# 2420 Holly Neck Rd  
BAL - # 2420  
BAL - # 2420

Amount: \$ 0.00  
Number: 413  
R.T.

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-426-SPH

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 413  
Petitioner: William J. Faber  
Location: 2420 Holly Neck Rd 21204  
NAME: William J. Faber  
ADDRESS: 1315 Old Eastern Ave.  
Baltimore, Md 21204  
PHONE NUMBER: 687-6046

**MUST BE SUPPLIED**

94-426-SPH

Item Number: 413  
Planner: RT  
Date Filed: 4-28-94

**PETITION PROCESSING FLAG**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

☒ Need an attorney

The following information is missing:

- ☐ Descriptions, including accurate beginning point
- ☐ Actual address of property
- ☐ Zoning
- ☐ Acreage
- ☐ Plats (need 12, only \_\_\_ submitted)
- ☐ 200 scale zoning map with property outlined
- ☐ Election district
- ☐ Councilmanic district
- ☐ BC2R section information and/or wording
- ☐ Hardship/practical difficulty information
- ☐ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☐ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☐ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☐ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☐ Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ☒ OWNER'S ZIP CODE

PET-FLAG (TXTSPH)  
11/17/93

94-426-SPH

TO: PUPPENT PUBLISHING COMPANY  
May 12, 1994 Issue - Jeffersonian

Please forward billing to:  
William J. Faber  
1315 Old Eastern Avenue  
Baltimore, Maryland 21221  
687-6046

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-426-SPH (Item 413)  
2420 Holly Neck Road  
NEC Holly Neck Road and Frankwitz Road  
15th Election District - 5th Councilmanic  
Petitioner(s): William J. Faber  
HEARING: FRIDAY, JUNE 10, 1994 at 11:00 a.m. Rm. 106 County Office Bldg.

Special Hearing to approve said trailers as a non-conforming use: (1) permanently; (2) until such time as property is rezoned; or (3) until trailer is no longer usable with stipulation trailer will not be replaced.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

94-426-SPH

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

MAY 5, 1994

**NOTICE OF HEARING**

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*Carl Jablon*  
Arnold Jablon  
Director

cc: William J. Faber

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper

94-426-SPH

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 31, 1994

Mr. William J. Faber  
2420 Holly Neck Road  
Baltimore, Maryland 21221

RE: Case No. 94-426-SPH, Item No. 413  
Petitioner: William J. Faber  
Petition for Special Hearing

Dear Mr. Faber:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 1994  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 16, 1994  
Item No. 413

The Developers Engineering Section has reviewed the subject zoning item. We recommend that Landscape Manual compliance be required where trailers are visible from the public street and adjacent residential zone or use.

RWB:ew

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

5644

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: \* 413 (KT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID N. KAHN, ACTING CHIEF  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR SPECIAL HEARING  
NE/CORNER HOLLY NECK ROAD AND  
FRANKOWITZ ROAD  
(2420 HOLLY NECK ROAD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT  
WILLIAM J. FABER  
PETITIONER

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-426-SPH  
\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2420 Holly Neck Road, located in the Cedar Grove area near Middle River in southeastern Baltimore County. The Petition was filed by the owner of the property, William J. Faber. The Petitioner seeks a special hearing to approve the nonconforming use of two existing trailers on the subject property. The property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William J. Faber, properly owner, and Michael Flynn. There were no Protestants present.

Testimony and evidence offered by the Petitioner revealed that the subject property consists of 1.0 acres, split zoned B.L. and R.C. 5, and is located within the Chesapeake Bay Critical Areas near Middle River. The property is improved with a tavern, known as Faber's Yacht Club on the B.L. zoned portion of the site, and an accessory parking lot, the two trailers which are the subject of this special hearing request, and a one-story frame dwelling on the R.C. 5 zoned portion of the site. Mr. Faber testified that he purchased the subject property approximately 46 years ago at which time he placed the trailers thereon for storage purposes. He testified that the trailers have always been used for storage and have never

been used for residential purposes. Mr. Faber stated that the two trailers have existed on the site in the locations shown on Petitioner's Exhibit 1 since he placed them on the property and that there have never been any complaints as to their existence thereon.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to its compliance with Critical Areas legislation. By comments dated May 23, 1994, DEPRM advised this office that the Petitioner must submit a findings plan to that agency for review and approval prior to any development. It is to be noted that there is no development proposed for this site, merely approval of the nonconforming use of two trailers which have existed on the property since approximately 1948 and have been used solely for storage. However, as a condition of this approval, a restriction shall be attached to this Order limiting the use of the two trailers for storage purposes, only, and their use for residential purposes shall be strictly prohibited.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original

use, the current use of the property shall not be considered nonconforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

After due consideration of the testimony and evidence presented, it is clear that the two trailers have existed on the property in the location shown on Petitioner's Exhibit 1 since prior to 1955, the year in which the storage of said trailers became illegal. These trailers have existed on the site each and every year thereafter, up to the present time, and are therefore permitted as a nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of June, 1994 that the Petition for Special Hearing to approve the nonconforming use of two existing trailers on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The use of the two trailers shall be for storage, only, and any use thereof for residential purposes is strictly prohibited.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING  
Date 6/28/94  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 28, 1994

(410) 887-4386

Mr. William J. Faber  
1315 Old Eastern Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING  
NE/CORNER HOLLY NECK ROAD AND  
FRANKOWITZ ROAD  
(2420 HOLLY NECK ROAD)  
15TH ELECTION DISTRICT - 5TH COUNCILMANIC DISTRICT  
WILLIAM J. FABER - PETITIONER  
Case No. 94-426-SPH

Dear Mr. Faber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM: People's Counsel

File



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2420 Holly Neck Rd.  
which is presently zoned B.L. - R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Said trailers as a non-conforming use:  
1. permanently  
2. until such time as property is rezoned  
3. until trailer is no longer usable with stipulation  
trailer will not be replaced.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Attorney for Petitioner:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

I, or we, solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:  
Name: William J. Faber  
Address: 1315 Old Eastern Ave.  
City: Baltimore State: MD Zip: 21221

Signature: William J. Faber

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: William J. Faber  
Address: 1315 Old Eastern Ave.  
City: Baltimore State: MD Zip: 21221

Signature: William J. Faber

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Zoning Commissioner

Jim:

Applicants insist on filing this petition (SPH) against my advice for the following reasons:

(a) Needs a lawyer to represent them -  
(b) Site presentation - "poor" but in compliance with the site plan  
check list.

(c) See Citation # RT-46

Pag. 1

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barton Avenue  
Baltimore, Maryland 21211-5202  
(301) 574-6744

LAND SURVEYING

LAND PLANNING

Description of the property of

William J. Faber  
2420 Holly Neck Rd.  
Baltimore County, Maryland

Beginning for a point, said point being the northeasterly corner of Frankowitz Road, a 30-foot Right of Way, and Holly Neck Road, also a 30-foot Right of Way, said point also being the southwesterly corner of Tract 21 of Cedar Grove as recorded among the plat records of Baltimore County in Plat Book 12, at Plat 122, thence departing said point and running with the easterly Right of Way of Frankowitz Road as follows, viz:

- 1) North 12° 12' East 364.00 feet to a point, thence departing said Right of Way and running for the two following courses and distances, viz:
  - 2) North 88° 27' East 100.00 feet, more or less, and
  - 3) South 04° 17' West 359.80 feet to a point in the aforementioned northerly Right of Way of Holly Neck Road the following viz:
    - 4) South 88° 56' West 46.40 feet, and
    - 5) South 89° 51' West 103.60 feet to the point and place of beginning.

Containing 1.0± acres of land

Being the same property acquired by William J. Faber by deed and shown as Tract 21 on a plat of subdivision of Cedar Grove and recorded in the Plat records of Baltimore County at Plat Book 12, and Plat 122.



ITEM # 413

REGISTERED PROPERTY LINE SURVEYOR MD. #171

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

94-426-SPH

District: 15th Date of Posting: 5/21/94

Posted for: Special Hearing

Petitioner: Wm. J. Faber

Location of property: 2420 Holly Neck Rd., NE/CORNER FRANKOWITZ RD.

Location of Sign: Along road way on property being rezoned

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 7/19/94

Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/12/94

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/12/94

THE JEFFERSONIAN,  
*A. Hemmison*  
LEGAL AD. - TOWSON